

REMARKS

Reexamination and reconsideration of the above-captioned application, as amended, pursuant to and consistent with 37 C.F.R. § 1.112, in light of the remarks which follow, are respectfully requested. By this amendment, claim 2 is cancelled without prejudice or disclaimer, claims 3 - 37 are presented without amendment, and claim 1 is amended.

The examiner rejected claims 1, 3 - 4, 10 - 20, and 22 under 35 U.S.C. § 102(b) as allegedly being anticipated by Sebag (United States Patent No. 6,403,106). Claims 1, 3 - 4, 10 - 15, 17 - 20, and 22 were similarly rejected as allegedly being anticipated by Mougin (United States Patent No. 6,113,882). Claim 1 has been amended to include the limitation of the solubility parameters as set forth in cancelled claim 2. Accordingly, this amendment places claims 1, 3 - 4, 10 - 20, and 22 in a condition for allowance. It is noted that claim 2 was not rejected as anticipated. As such, the anticipation rejections issued by the examiner are moot.

The examiner also rejected claims 1 - 4 and 10 - 22 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sebag and Mougin, each individually. Clearly, therefore, an indication that claims 5 - 9 and 23 - 37 are allowable, is appropriate. As already mentioned, claim 1 has been amended to include the limitation of the solubility parameters as set forth in cancelled claim 2. The examiner, however, states that with "[r]egard [to] claim 2[,], the burden is shifted to the applicant to show that the solvents listed in the Sebag patent would not have [the] solubility parameters as listed in claim 2." Official Action, page 4. While applicant respectfully disagrees that any burden has shifted to claim 2, submitted herewith is a copy of an excerpt from the *CRC Handbook of Solubility Parameters and other Cohesion Parameters*, pages 153 - 157.

According to the included excerpt, water and the lower alcohols exemplified in Sebag and Mougín would fall outside the Hansen solubility space limitations provided in amended claim 1. For example, the lower alcohols methanol, ethanol, propanols, and butanols have solubility parameters of 29.6, 26.5, >23, and >22, respectively, while water has a solubility parameter of 47.8. As such, amended claim 1 is not obvious in view of either Sebag or Mougín. Therefore, claims 1 - 4 and 10 - 22 are in a condition for allowance.

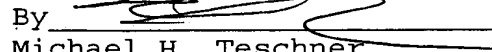
As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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